

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

KRISTINA C. RAGNONE, )  
Plaintiff, )  
v. )  
HARDEE'S FOOD SYSTEMS, INC. )  
d/b/a HARDEE's GARY SOUTH )  
Defendant. )  
No.: 2:05 CV 229 PPS

## ORDER

This matter was set for a status conference on March 30, 2006, before Magistrate Judge Paul R. Cherry. The Plaintiff failed to appear. [Doc. 15]. Magistrate Judge Cherry then set this matter for a show cause hearing on May 11, 2006 and ordered the Plaintiff to appear at that hearing to explain why she failed to appear at the status conference. [Doc. 16]. The Plaintiff was warned that the failure to appear at the show cause hearing might result in the dismissal of her case for failure to prosecute. (*Id.*) In the interim, on April 11, 2006, the Defendant filed a Motion to Dismiss for Lack of Prosecution. [Doc. 17].

The Plaintiff failed to appear at the May 11, 2006 show cause hearing and failed to respond to the Motion to Dismiss for Lack of Prosecution, so Judge Cherry recommended that the matter be dismissed with prejudice. [Doc. 21].

Pursuant to 28 U.S.C. §636(b)(1), the parties were given ten days after being served with a copy of Judge Cherry's Recommendation to file a written objection thereto. They were warned that a failure to file a timely objection would result in the waiver of the right to challenge the

Recommendation before either the District Court or the Court of Appeals. *Hunger v. Leininger*, 15 F.3d 664, 668 (7th Cir. 1994). Neither party filed an objection within the allotted time. Thus, this Court accepts the Magistrate Judge's Recommendation, and this matter is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

ENTERED: June 5, 2006.

s/ Philip P. Simon  
Philip P. Simon, Judge  
United States District Court